
IDEA Update

The Background:

On December 3, 2004, President George W. Bush signed into law H.R. 1350, the reauthorized Individuals with Disabilities Education Act (IDEA) of 2004, Public Law 108-446.

The new IDEA protects the civil rights of students with disabilities to by giving the U.S. Department of Education and state education agencies greater power and it imposes sanctions when schools fail to meet standards. It requires each state to develop a plan for the delivery of a free appropriate public education.

The law aligns personnel preparation and licensure with the No Child Left Behind legislation and requires special education teachers to become highly qualified by the 2005-2006 school year. It improves outreach and services to homeless, foster care and other youth by clarifying state child find activities.

Regarding the IEP process, the law allows flexibility when making minor changes to IEP by waiving the need for the entire team to meet. It provides parties with the opportunity to address concerns prior to the need for due process hearings and ensures that all parties understand that mediation is available anytime during the dispute. It also allows teleconferencing, video conferencing and other alternative means of participation during IEP meetings, and encourages Parent Training Institutes to focus on improving parent-school collaboration and early, effective dispute resolution.

The new law improves current discipline provisions by simplifying the framework for schools to administer the law, while ensuring the rights and safety of all children, and it establishes a new program to develop and enhance behavioral supports in schools while improving the quality of interim alternative education settings.

IDEA maintains early intervention and preschool special education programs for infants, toddlers, and preschoolers with disabilities and allows states to create a system that gives parents the choice to have their children continue early intervention services until the age of five. The law requires that infants and toddlers who are abused, neglected, drug-exposed, or have experienced family violence, be referred for early intervention.

The Recommendation:

No action required; for information purposes only.